

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAMSES NIEVES,

Plaintiff,

v.

R. PATRICK, et al.,

Defendants.

Case No.: 1:23-cv-01036-SKO

**ORDER DENYING PLAINTIFF'S
REQUEST FOR ENTRY OF DEFAULT**

(Doc. 17)

Plaintiff Ramses Nieves is proceedings pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. section 1983.

I. BACKGROUND

Plaintiff filed his complaint on July 12, 2023. (Doc. 1.) That same date, the Court issued its First Informational Order in Prisoner/Civil Detainee Civil Rights Case. (Doc. 3.)

On November 15, 2024, Magistrate Judge Gary S. Austin issued an Order Directing Clerk of Court to Reassign Matter to a Different Magistrate Judge because this action had been inadvertently assigned to him in error. (Doc. 16.) Thus, the action was reassigned to the undersigned.

On February 20, 2025, Plaintiff filed a document titled "Request for Entry of Default." (Doc. 17.)

II. DISCUSSION

Plaintiff asks the Clerk of the Court to enter default against the named defendants “for failure to plead or otherwise defend as provided by the Federal Rules of Civil Procedure.” In his accompanying declaration, Plaintiff states the defendants “were served with a copy of the summons and complaint by the U.S. Marshalls as it should appear from the proof of service on file.” Plaintiff asks the Clerk to “judgement in default” in the sum of \$1,350,000.00 against defendants for their failure to appear.

Plaintiff’s request will be denied as service of process has not yet occurred in this action and the docket does not reflect that service has been ordered or attempted. Therefore, no appearance by the named defendants is necessary or due.

As explained in this Court’s First Informational Order, this Court “is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity” and a “pro se plaintiff may not proceed with legal action against a government entity or individual in this Court until the Court screens the pro se plaintiff’s complaint and finds it states a cognizable claim against the named defendants. If the Court does find a cognizable claim ... the Court will direct the United States Marshal to initiate service of the complaint on defendants.” *See* 28 U.S.C. 1915A(a). (*See also* Doc. 3 at 3 [III. SCREENING OF COMPLAINTS].) Plaintiff’s complaint has not yet been screened and service has not been ordered. This Court is one of the busiest district courts in the nation and delays are unavoidable. There are dozens of pro se complaints awaiting screening on the undersigned’s caseload. In sum, Plaintiff’s request will be denied, and his complaint will be screened in due course.

III. CONCLUSION AND ORDER

Based on the foregoing, Plaintiff’s request for entry of default (Doc. 17) is **DENIED**.

IT IS SO ORDERED.

Dated: February 24, 2025

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE